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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CALIFORNIA EXPANDED
11 METAL PRODUCTS COMPANY,
12 et al.,

CASE NO. C18-0659JLR
ORDER

Plaintiffs,

v.

JAMES A. KLEIN, et al.,

Defendants.

On June 22, 2020, Plaintiffs and Counter Defendants California Expanded Metal Products Company and Clarkwestern Dietrich Building Systems, LLC (collectively, “Plaintiffs”) moved to reopen this case to initiate contempt proceedings and moved to reopen discovery. (Mot. to Reopen (Dkt. # 166); Mot. for Disc. (Dkt. # 167).) The court granted in part the motions and ordered the parties to submit joint status reports regarding their progress. (10/19/20 Order (Dkt. # 190) at 22-23.)

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1 On December 18, 2020, the parties submitted statements to update the court on the
2 status of the contempt proceedings as well as over 150 pages of exhibits. (Pls. Statement
3 (Dkt. ## 200-1 (sealed), 197 (redacted)); Defs. Statement (Dkt. # 201); *see* Trojan Decl.
4 (Dkt. # 198) Exs. 1-12.) The parties' statements reveal numerous discovery disputes,
5 including whether Defendants and Counter Claimants James A. Klein, BlazeFrame
6 Industries, LTD, and Safti-Seal, Inc. (collectively, "Defendants") have withheld
7 documents and whether various written discovery responses are deficient. (Pls.
8 Statement at 1-5; Defs. Statement at 3-5.) Plaintiffs "anticipate that they may need to
9 request the [c]ourt's assistance" and proposed a briefing schedule for discovery issues.
10 (Pls. Statement at 3, 5.) The court has previously detailed the parties' "tumultuous
11 history," including three settlements in three separate suits and now, another matter
12 pending in the Central District of California involving the same products and
13 transactions. (*See, e.g.*, 10/19/20 Order at 2-7; Not. of Related Case (Dkt. # 194).)

14 In light of these developments, the court intends to appoint Mark Walters, WSBA
15 No. 30819, as a special master to oversee selected issues in this matter. *See* Fed. R. Civ.
16 P. 53. The special master, whether Mr. Walters or otherwise, will bill monthly using his
17 or her standard rate. Invoices will be paid 50%-50% by Plaintiffs and Defendants within
18 30 days. Special master expenses may be submitted for consideration as a taxable cost at
19 the conclusion of the case. The court ORDERS any party that

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1 opposes such appointment to file a brief not to exceed three pages no later than January
2 27, 2021.

3 Dated this 20th day of January, 2021.

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JAMES L. ROBART
United States District Judge

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